



## Arizona Department of Transportation Environmental Planning Group

February 28<sup>th</sup>, 2007

### On-Call Consultants and Environmental Planning Group Meeting Summary

#### Opening Remarks

*Todd Williams, Office of Environmental Services (OES) Director  
Thor Anderson, Environmental Planning Group (EPG) Manager*

Todd opened the meeting by describing the new OES organizational structure and that it will provide support to the entire agency. He indicated that EPG is now a part of OES, but will continue in its role as support to Development, and that the EPG on call consultants will continue to provide services as they have in the past.

Todd then introduced new members of the OES staff in attendance and provided background information for each: Mike Traubert, Plans and Permits Coordinator (formerly with ADEQ), Wendy Terlizzi, Water Quality Coordinator (formerly at EcoPlan) and he explained that Donna Moran was not in attendance but is the new Compliance Coordinator (formerly at the Town of Gilbert). He then talked about the new District Environmental Coordinators (DEC) and their role as the point of contact in the Districts. Todd introduced those DEC in attendance: Chuck Budinger, Prescott District, Anastasia Olander, Tucson District, and Richard Haddow, Globe DEC.

Thor then discussed consultant workloads and explained that work is primarily assigned to the firms on a rotational basis. He noted that over the last fiscal year construction prices had been up and as a result overall ADOT construction projects were down in total numbers. He also explained that with the one million dollar cap on annual contract amounts and utilizing the on call contracts for large expenditure items such as data recovery had resulted in less work per firm than in past years. Thor explained that construction prices seem to be stabilizing and the Arizona Legislature has approved additional accelerated funding for some projects, and that growth projections for the State show ever increasing demand for transportation infrastructure. Also, there are a couple of initiatives within EPG that combined he expects may result in more future work. One proposal he has made is an increase in the one million dollar cap. Another potential solution is to include data recovery under contract through Procurement so that these amounts will not be counted as part of the ECS dollar value cap.

Thor also explained that EPG will no longer approve payment for any project level work completed before the "Notice to Proceed" letter is issued. A scope and cost estimate approved by EPG management is required to attain a "Notice to Proceed" letter.

Thor then emphasized the agency's commitment to ethics. He explained that any holiday or other gifts received from consultants must be sent by ADOT to charity, and asked that firms continue to cooperate by refraining from sending anything other than greeting cards. Staff is required to pay their own way for any lunches with consultant staff, unless it is a working lunch such as a team meeting. For any charity golf tournaments sponsored by the consultants, staff must contribute an amount to charity commensurate with the greens fee.

A new recognition developed by EPG is the Going the Extra Mile certificate. This form will be submitted by an EPG staff member to the on call consultant in recognition for a job well done, and will be copied to the firm's contract manager and placed in the EPG contract file.

Thor told the attendees that EPG had worked hard to increase staff levels and had been very successful in filling positions. The intent is that once staff is trained in, EPG will be able to provide "five star" customer service.

#### FHWA Presentation on Quality

*Ken Davis, Senior Engineering Manager, Federal Highway Administration*

Thor introduced Ken by providing kudos to FHWA Arizona staff for their excellent working relationship with ADOT. Ken began his presentation by noting that he has shifted the focus of the presentation a bit away from the editorial quality issues emphasized in his previous on call meeting presentation, since it seems that the documents are coming to FHWA much improved in that regard.

Ken's presentation is provided below. Questions and discussion that were not contained in the PowerPoint presentation are included below the slide that was being projected at the time at which the discussion occurred.

# Improving Environmental Documents

## The Federal Perspective Comments and Suggestions FHWA-Arizona Division

ADOT On-Call Meeting  
February 28, 2007

### First...

I want to say that we at FHWA really do appreciate all that you do to prepare our environmental documents

Collectively, you in this room play a very **significant** role in the delivery of the Federal-aid Highway Program

**We thank you!**

### Second ...

We at FHWA have observed considerable improvement in the overall quality and completeness of environmental documents since I last spoke at an On-Call Meeting back in October 2003

**Thanks (again) and Congratulations!**

### And now - Our Concerns

1. Please accept all of my comments today as constructive criticism offered solely to assist in the overall improvement of the environmental process that we are all participating in.
2. I will discuss our concerns in general order of importance - starting with our major concerns and descending down to minor irritations and preferences

## Concern #1

The engineers\* arrive at "the solution" before the environmental review and public involvement process even begins!

\* One could substitute **agency management** or **political leaders** for **engineers**, but since I am an engineer, we will pick on engineers today.

### Concern #1 - Premature Decisions

#### **Engineering solutions before environmental review or public involvement:**

- Creates instant public credibility problems
- Produces a reluctance to truly develop and fully consider alternatives - especially those suggested by the public
- Often introduces severe time pressures
- Complicates, compromises, and delays the entire process - and quality suffers

### Concern #1 - Premature Decisions

#### **Involve the engineers!**

- ✓ Demand their active participation - never allow the engineers to sit on the sidelines
- ✓ Do not allow them to proceed ahead of or without the environmental review process
- ✓ Insist that all viable alternatives receive thorough engineering (**and environmental**) evaluation

Concern #1 - a suggestion!

Desirably - the engineering scoping process (PA's and/or DCR's) and the environmental review/public involvement process should be coordinated and concurrent.

SUGGESTION - Initiate the public involvement process and the environmental review process during (rather than after) the Project Assessment and/or Design Concept Study process

Concern #2

WRITE IN A PERSUASIVE STYLE

- ✓ Draw and express conclusions - even preliminary conclusions
- ✓ Attempt to convince
- ✓ Provide supporting reasons
- ✓ Make or express comparisons
- ✓ Express professional judgments - your experience and expertise counts!
- ✓ Use active tense - avoid passive tense whenever possible

Ken emphasized that the attendee's professional judgment is important and everyone should be less timid about providing professional expertise and information when writing documents.

In addition, he noted that the active tense is preferable, and results in a more proactive writing style.

### Concern # 2 - Conclusions

**Each discussion should end with a conclusion!**

- ✓ If the impacts of an environmental consideration are minor - say so!
- ✓ If the impacts of an environmental consideration are substantial - say so!
- ✓ If the impacts of an environmental consideration are **truly significant** - say so!
- ✓ If an environmental consideration is not involved - say so!
- ✓ If one alternative has less (or more) impacts than other alternatives - say so!
- ✓ If one alternative has essentially the same impacts as another alternative - say so!

### Concern #3

**PURPOSE and NEED** - This is the most important part of any environmental review effort. Make the purpose & need a full and honest explanation of why the agency is considering an action.

It is absolutely essential that the environmental document present a compelling argument articulating the purpose and need for the proposed action.

### Concern #3 - Purpose & Need

#### **Purpose and Need:**

- ✓ Explain who wants to do what - and where and why they want to do it.
- ✓ Makes the case for doing anything - be convincing
- ✓ Make use of past planning studies
- ✓ Describe what happens if nothing is done (the "Do Nothing" Alternative)
- ✓ Be specific - use facts and figures
- ✓ Express professional judgments - your experience and expertise counts

## Concern #4

### Inventories - Getting Started Right

- Initial step - inventory the existing conditions and constraints
- Cast a wide net - assume broad corridors (we can condense later)
- Be very thorough - intense efforts up front will help avoid rework later

Ken explained that inventorying all in the project area is very important, as it is always easier to inventory more and then scale back than it is to have to go out and add more later in the process.

### Concern #4 - Inventory

#### **Identify and inventory:**

- Existing and planned development
- Schools, hospitals and other sensitive land uses
- Historic features & archeological sites
- Parks, historic sites, & wildlife refuges (Section 4(f))
- Water features, wetlands & riparian areas
- Wildlife habitat, habitat connectivity corridors
- Threatened and/or endangered species
- Farm lands (prime and/or unique), farm operations
- Utilities (including planned utilities)
- Hazardous materials & hazardous materials sites
- Low income, minority & elderly populations (potential environmental justice issues)
- Local jurisdictions
- Federal lands and State lands
- Indian Reservations, Tribal ownership

Ken provided several insights regarding the alternatives analysis:

He emphasized the need to include all transportation modes in the alternatives analysis. And, if the public suggests an alternative, it needs to be looked into and a response provided back. Keep in mind that the “do nothing” alternative may have as many or more

impacts than any of the alternatives. Resist agency or outside pressure to reach a conclusion too quickly.

When eliminating alternatives, the document should provide persuasive evidence from the analysis regarding why it is being eliminated.

Concern #5 - Alternatives

**Consideration of Alternatives**

- ✓ Mention, describe and discuss all alternatives
- ✓ Include alternatives considered and discarded in previous studies (planning)
- ✓ Show all alternatives graphically (as practical)
- ✓ Use the inventory information
- ✓ Be objective
- ✓ Identify positive and negative attributes of each alternative

Concern #5 - Alternatives

**Naming Alternatives**

- ✓ Use already established names - avoid creating new names for old alternatives
- ✓ Avoid long complex names - use short and simple names
- ✓ Use letters (Alt A, B, C, etc) or numbers (Alt 1, 2, 3, etc.) to avoid long complex names
- ✓ Avoid complicated combinations letters or numbers - such as Alt A-G-M-R for arrays of braided alternates
- ✓ Avoid changing names of alternatives



#### Concern #5 - Alternatives

##### **Elimination of Alternatives**

- ✓ Basic Rule - Carry all viable alternatives forward, at least until the point where they can be clearly shown to be inferior to other viable alternatives
  - ✓ If an alternative was discarded in earlier studies (including planning) - explain why!
  - ✓ If an alternative is not worthy of further study now - explain why!
  - ✓ Avoid the temptation to discard alternatives solely to reduce the number considered to a smaller, more manageable or pre-set number
- BOTTOM LINE - THERE MUST BE COMPELLING REASONS TO DISCARD ANY ALTERNATIVES**

#### Concern #6

##### **Affected Environment - Issue or Resource**

- ✓ What is the current condition?
  - ✓ What will the project do to it - what are the impacts?
  - ✓ Do alternatives have differing impacts?
  - ✓ What mitigation measures (if any) can be used to offset the impacts?\*
  - ✓ Conclusion - is the impact significant?\*
- \* Remember to carry any mitigation measures offered as commitments forward to the List of Mitigation Commitments at the beginning of the document.

#### Concern #7

##### **WRITE FOR CLARITY**

- ✓ Clear and concise
- ✓ Avoid duplication and/or repetition
- ✓ Avoid long and complex sentences
- ✓ Avoid sentences with long lists of similar things - use bullets or numbered lists instead
- ✓ Avoid long paragraphs
- ✓ Use acronyms & abbreviations - carefully

Concern #7 - Clarity

**Acronyms & Abbreviations**

- ✓ Generally desirable to avoid excessive text
- ✓ Always define at first use
- ✓ Avoid excessive use - overuse can cause confusion
- ✓ Don't use or define if they are needed only once - just spell out the word or name
- ✓ Highly desirable to provide list of abbreviations - UP FRONT!

SUGGESTION - Create a standard list of abbreviations and acronyms to use in all documents

Ken noted that just because an acronym is defined in the Executive Summary, that doesn't mean it has to be used throughout. In a long document, it may be necessary to define an acronym more than once for the document to be understandable.

Concern #7 - Clarity

**Acronyms**

- ✓ Use agency acronyms preferred by that agency (example - FHWA vs FHA)
- ✓ Avoid using multiple acronyms to describe a single agency:
  - BurRec vs. BOR
  - USFS vs. FS
  - COE vs. CofE vs. USACOE vs. Corps
  - DOT vs. USDOT
- ✓ Either avoid or define acronyms in the List of Mitigation Commitments

Concern #7 - Clarity

### **Too many acronyms?**

Alternate B(3)a-1.5 for the TI connecting SR-101L to I-17 and US-60 e/o the BNSF RR and the SRP CAP, and RID canals requires coordination with MAG, COP, MCDOT, SHPO, USFS, FCDMC, ADEQ, USF&WS, AGFD, BLM, BOR, and FHWA due to the 4(f) and 6(f) use, and may elevate the NEPA document from a CE-2 to an EA or possible an EIS, particularly if a new SPUI is used with CIP PCC box girders rather than AASHTO Type 4 girders. **And E I E I O...**

Concern #7 - Clarity

### **Technical Terms and/or Jargon**

- ✓ Avoid whenever possible
- ✓ Explain fully and clearly when use of technical terms is absolutely necessary
- ✓ Use graphics, maps or diagrams to further clarify explanations

**Remember that we are writing for the general public - not engineers or "ologists"!**

Concern #7 - Clarity

### **Too many Technical terms!**

Alternate A-D-H-N-R provides a single-point urban interchange to avoid four-phase overlap signal timing and uses a cast-in-place post-tension reinforced Portland cement concrete box girder structure type with cantilevered abutments and a center straddle bent, all on a slightly elevated grade line with tangent approaches on a slightly skewed alignment. **Huh?**

#### Concern #7 - Clarity

**SIGNIFICANT** - This word has special meaning when used in NEPA documents

- Use with extreme care.
- Do not use unless you really mean significant - particularly if you are describing impacts
- Generally, use only in EIS's
- Use alternative words - substantial, adverse, major, severe, etc.

#### Concern #7 - Clarity

##### Will vs. Would

- "Will" implies that a decision has been made (or a commitment is being made)
- "Would" is more appropriate for Draft documents describing what would happen if a particular alternate were selected

#### Concern #8

##### **Quality Control - an absolute essential**

- ✓ PROOF READ - always and often!
- ✓ Use "Spell-Check"
- ✓ Check punctuation
- ✓ Check sentence structure - make sure sentences are complete
- ✓ Check and recheck references
- ✓ Check facts - make sure text is consistent throughout (and that text is consistent with tables, and other graphics)

#### Concern #8 - Quality Control

Correct errors as you find them - don't leave them for subsequent proofreaders or reviewers to catch.

It is difficult for reviewers to review draft documents for content if they constantly encounter basic language errors - and it greatly delays the process

#### Concern #9

##### **Graphics - not really a concern**

Good Graphics are highly desirable

- Easier to show complex information
- Avoids excessive text
- Graphics include:
  - ✓ Maps
  - ✓ Graphs
  - ✓ Tables & Charts
  - ✓ Pictures (photos, drawings & diagrams)
  - ✓ Photo montages

#### Concern #9 - Graphics

##### **Graphs - a very good and useful tool**

- ✓ Use line, bar or pie graphs to help readers visualize major points and comparisons quickly easily, and accurately
- ✓ Make sure the visual characteristics of graphs reflect the magnitude and importance of the data
- ✓ Provide a title - and add a caption to identify the purpose of the graph
- ✓ Place foot notes & source information below the graph
- ✓ Color vs. black & white - color often helps

[Concern #9 -- Graphics](#)

## **Tables and Charts**

- ✓ Excellent tools for presenting large amounts of information clearly, concisely and effectively
- ✓ Outstanding tools for presenting comparative information - like relative attributes of alternatives
- ✓ Use of color helps - for example, light green background for positive factors and light red for negative factors

[Concern #9 -- Graphics](#)

## **Pictures - worth a 1,000 words!**

- Drawings
- Diagrams
- Photographs - need to label, state state vantage point (looking east)
- Aerial photography - excellent background for plan views
- Photo-montages and other state-of-the-art illustrative techniques

[Concern #9 - Graphics](#)

## **Pictures may be an under-utilized tool!**

- ✓ Obviously, pictures do reduce text
- ✓ Pictures also help orient the readers
- ✓ Pictures help readers understand and comprehend important concepts, issues and alternatives
- ✓ Pictures add to the attractiveness of environmental documents & presentations

## Concern #10

### **Preliminary Submittals**

- ✓ Avoid submitting incomplete documents - multiple submittals (and multiple reviews) really slow the process down
- ✓ Double space helps on true preliminary drafts
- ✓ Line Numbers - makes it much easier to express and locate comments and corrections (but please begin the line numbers anew on each page - we do not want to deal with Line 10,355)
- ✓ Loose leaf is an advantage during reviews

## Concern #11

### **Appendices - a tool for keeping documents concise**

- ✓ Useful for presenting highly detailed and technical information
- ✓ Place executive summaries of technical reports in appendices
- ✓ Limit the discussion to an executive summary of the Executive Summary of Technical Reports
- ✓ Refer to Technical Reports - but do not include them - either in the document or in the appendices

## Concern #12

### **LOGOS - and similar references**

Please - No company logos or similar references to private enterprises in our environmental documents - unless it is pertinent to the discussion

We realize you are proud of your organizations and desire to advertise your involvement and contributions

It is simply not appropriate to place logos in FHWA documents distributed to the public.

*We ask for your cooperation.*

### In Closing ...

We again want to reiterate our sincere appreciation for your collective efforts in accomplishing the difficult and challenging task of conducting the environmental reviews and preparing the environmental documents necessary to deliver Federal-aid Projects ... and for dealing with the public - conducting the necessary public meetings, hearings and other public coordination activities.

### Questions?

Ken Davis  
(602) 379-3645 ext 120  
[Ken.Davis@fhwa.dot.gov](mailto:Ken.Davis@fhwa.dot.gov)

Steve Thomas  
(602) 379-3645 ext 117  
[Steve.Thomas@fhwa.dot.gov](mailto:Steve.Thomas@fhwa.dot.gov)



### Construction Group Presentation

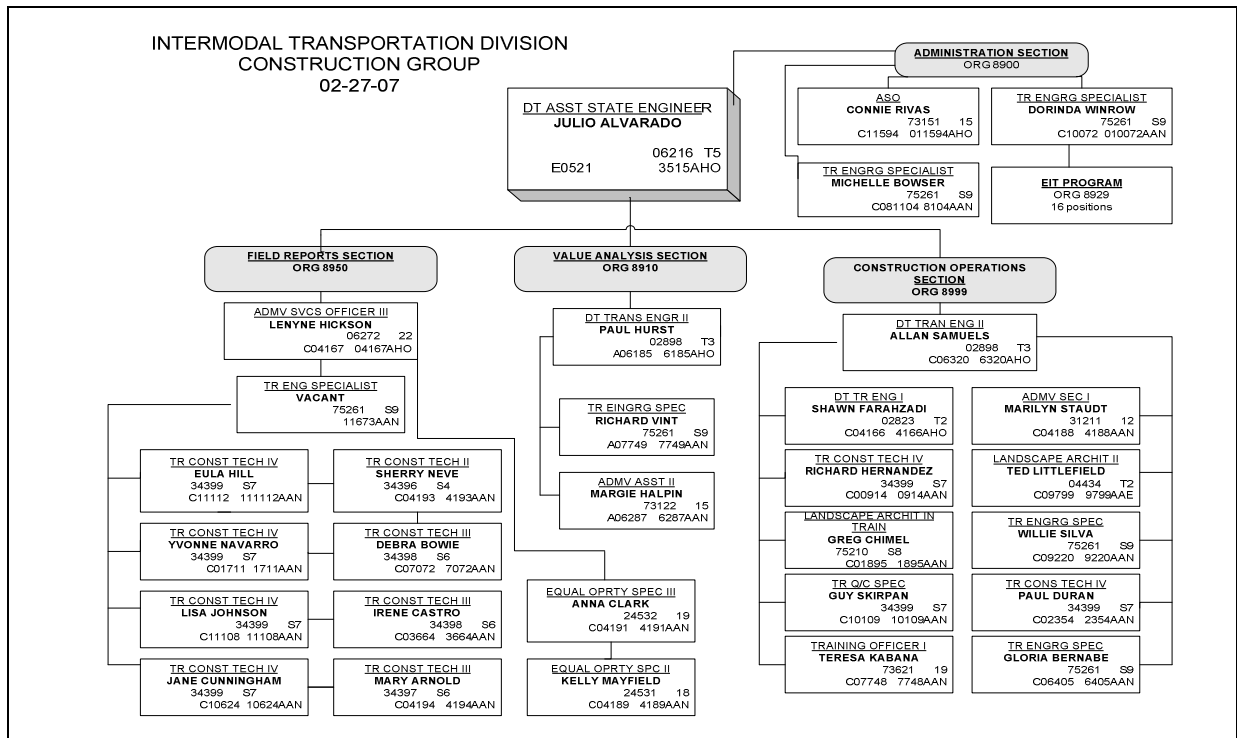
*Julio Alvarado, Assistant State Engineer, ADOT Construction Group*

Julio began his presentation with an observation that while there are hundreds of checklists currently in use, there are only two related to Stormwater in use at this time. Julio then went through the following PowerPoint presentation (photos have been deleted due to the large amount of computer space and color copying necessary to include).



# Agenda

- Construction Group Org Chart
- Responsibility of the Construction State Engineer
- Tracking Reports
- Check list SWPPP
- Communication Tools
- Contract Expectation



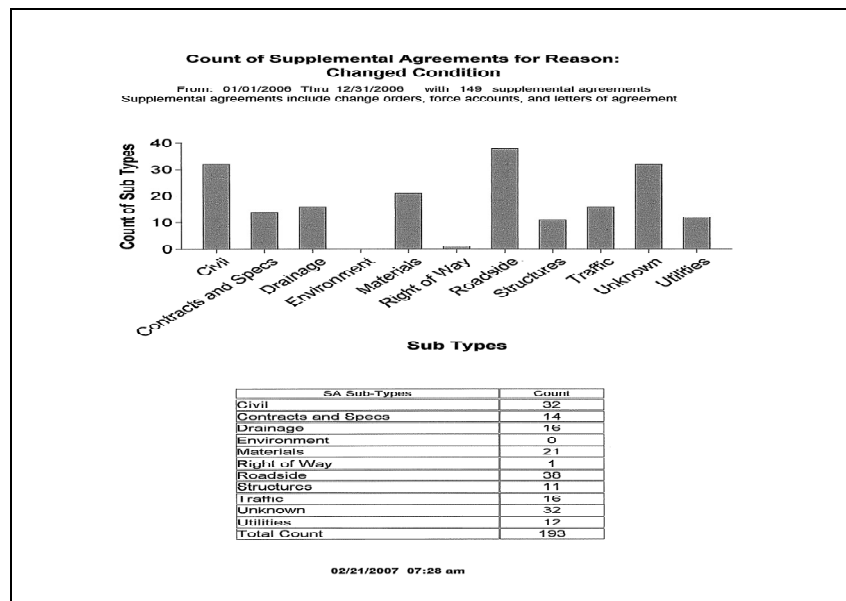
Julio reviewed the org chart and explained that the Field Reports Section checks on construction and quantity. He noted that there are not currently enough firms qualified in erosion control. Julio pointed out the Value Engineering Section and stated that environmental staff no longer gets involved in Value Engineering Reports. (After the

presentation, Dee Bowling followed up with Julio to arrange having EPG included on these panels as had been done in the past).

## Reports

- Error and Omissions Report
- Change of Condition – All Sub Type Graph
- Single Project Change Order Report
- Cost by SA Reason Code
  - Quantity Omissions – Contracts and Specs
  - Work Out of Scope (Other Jurisdiction) – Civil
- Supplemental Agreement Over 2% of contract

Julio explained that the errors and omissions report identifies repetitive errors and to provide tracking for both designers and internal ADOT personnel. He emphasized the balance between scope changes and requests for information.



Julio pointed out that when reviewing the changes over the past year, none were due to environmental reasons.

## Check List Storm Water Pollution Prevention Plan (SWPPP)

- Currently there are two check list
  - Storm water: Administrative Checklist
  - Storm Water: Erosion/Sediment Control
- The new version check list will consist of a total of 5.
  - Storm Water:
    - Administrative Sensitive Project
    - Tribal Land
    - Non-Tribal Land
  - Storm Water:
    - Best Management Practice (BPM) Inspection
    - Good Housekeeping

Julio discussed checklists, noting that while there are two checklists for Stormwater, there aren't any for other environmental areas in ADOT. He explained that Construction, like many areas in ADOT, has a lot of new and inexperienced people and that a checklist helps them. They would especially appreciate including reference to environmental laws and regulations and why activities need to be done.

ARIZONA DEPARTMENT OF TRANSPORTATION - INTERMODAL DIVISION Construction Inspection Checklist Roadside Development - Division VIII Storm Water: Administrative Checklist			
<b>Tracs Number:</b>		<b>Project:</b>	
<b>Reviewer:</b>			
<b>Author:</b> Leroy Brady			
<b>Version:</b> 06282005			
<b>Subcontractor:</b>		<b>Supervisor:</b>	
<b>Type:</b> Acceptance		<b>Date:</b>	
<b>Conforming</b>	<b>Attributes</b>		
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	1. The contractor has submitted documentation of the Erosion Control Coordinator (ECC) qualifications to the Engineer for approval within 5 working days of the Notice of Award.		Stored Spec.
4	Comments:		104.09
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	2. The contractor has submitted 2 copies of the draft Storm Water Pollution Prevention Plan (SWPPP) to the Engineer not later than 14 calendar days following the Department's approval of the contractor's ECC.		Stored Spec.
4	Comments:		104.09
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	3. Within 10 calendar days of the SWPPP submittal, the Engineer and the contractor jointly reviewed the contractor's draft SWPPP with any additional revisions directed by the Engineer.		Stored Spec.
4	Comments:		104.09
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	4. The SWPPP has site-specific diagrams indicating proposed locations for Best Management Practices (BMP's).		Stored Spec.
4	Comments:		104.09
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	5. For projects without Impaired, Unique or Not Attaining (IUNA) waters, the contractor and Engineer have finalized and signed the SWPPP, which constitutes approval of the SWPPP.		Stored Spec.
4	Comments:		104.09
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	6. For projects without IUNA waters, the contractor and R.E. each submit a Notice of Intent (NOI) to Ariz. Dept. of Environmental Quality (ADEQ) at least two business days, for review, prior to the start of work.		Stored Spec.
4	Comments:		104.09
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	7. For projects without IUNA waters, unless otherwise notified by ADEQ, ground disturbing activities did not begin until after the two business day NOI review period.		Stored Spec.
4	Comments:		104.09

ARIZONA DEPARTMENT OF TRANSPORTATION - INTERMODAL DIVISION  
Construction Inspection Checklist  
Roadside Development - Division VIII Storm Water: Erosion/ Sediment Control

Tracs Number:		Plan Sheets:	
Reviewer:		Roadway Left/Right:	
Author:	Leroy Brady	Begin/End Station:	
Version:	08022005	Milepost:	
Subcontractor:		Supervisor:	
Type:	Acceptance	Date:	

Conforming	Attributes	
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	1. The contractor has installed a functional rain gauge on the project that is accurate to 0.10 inch of rainfall.	Stored Spec.
4	Comments:	104.09
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	2. Upslope run-on water is temporarily diverted to avoid construction disturbed areas.	Other
4	Comments:	Erosion Contrl Man
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	3. No clearing, grubbing, earthwork or other work elements affected by the requirements in the Storm Water Pollution Prevention Plan (SWPPP) are started until sensitive areas are clearly marked.	Stored Spec.
4	Comments:	104.09
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	4. The contractor has not exposed an area greater than 750,000 sq. ft. at any one location within the project limits until erosion control devices have been installed and accepted by the Engineer.	Stored Spec.
4	Comments:	104.09
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	5. If there has been an unauthorized or non storm water discharge, it is immediately contained, cleaned up and documented in the SWPPP. (Arizona Construction General Permit)	Other
8	Comments:	AZCGP
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	6. Sedimentation basins are designed, sized and constructed as per the requirements.	Other
4	Comments:	Erosion Contrl Man
Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	7. Non-hazardous liquid waste such as drilling slurry, contaminated concrete, water from dewatering operations, drilled shafts, etc., is properly contained in accordance with the approved SWPPP, or a Di Minimus Permit was obtained.	Other
4	Comments:	Erosion Contrl Man

## The 5'C for Good Reporting

- **CLEAR** – Refers to both handwriting and meaning, is essential. What ever is written has to be clear even to those that are not involve with the project. Ex: Auditors, etc.
- **CONCISE** – Use the minimum numbers of words to get the maximum amount of meaning. Write enough to be clear, but not any more than necessary. Record the fact, keep opinions out of the diary.
- **CORRECT** – Having your facts straight and using the right forms. Wrong forms, or making errors, gives the appearance of sloppiness and can cause substantial problems in arbitration or litigation proceedings.
- **COMPLETE** – Include everything necessary to be clear. The entry should contain four (4) criteria:
  - Activity – Testing – Results – Action taken, as well as referencing other types of available project documentation.
- **CONCURRENT** - Contract documentation must be concurrent with the construction activity. Extensive facts, figures and conversations are hard to remember, write them down as soon as possible, by taking abbreviated notes.

Julio reiterated Ken Davis' observations regarding quality products and the need for clarity. He said that in order for a contractor to know what needs to be done and to do it correctly, it needs to be clear. For example, if the mitigation reads "...the contractor shall perform no construction work", the contractor may interpret this to mean staging or clearing may be fine, as long as it is not ground disturbing. Remember also, if requiring something like "...the contractor shall do testing", the team needs to ensure the contractor is qualified to do the work. He emphasized that if something is important, it needs to be in the special provisions. It would help to show it on plans as an avoidance area – as all field personnel have plans but may not have the specials with them

### Contract Expectation

- Clear description, Scope of Work
- Method of Measurement
- Method of Payment

Julio explained that items of importance need to be brought to the PM's attention so the RE can be alerted. Due to workload, the REs often don't have much up front involvement in the project.

He also explained contractor expectations, noting that the contractor's first priority is method of payment, in contrast to ADOT's first priority which is scope of work. So, part of the emphasis of the team when developing mitigation needs to be how to measure and how to cost the contractor's work.

## 404 Update

*Kathleen Tucker, AZTEC engineering (representing the US Army Corps of Engineers)*

*Kathleen provided a handout of her talking points, which is included below, along with her remarks (in italics) and ensuing discussion. Questions and answers are denoted by Q and A.*

The LA District Website can be found at <http://www.spl.usace.army.mil/regulatory/>

Proposed 2007 404 permits *(it was noted at the time of the meeting that these were not yet published)* Update: Published in Federal Register March 12, 2007

- Once published there is a possible 60 day wait before they are in force.
- Possible gap between the 2002 permits expiring and new permits becoming effective.
  - No work in waters for notifying and non-notifying NWP if not under contract or construction.
  - If under contract or construction ADOT has until March 18, 2008 to complete. If not complete notify the Corps.
- Recently submitted PCN's/pending PCN's will not be issued until the 2007 permits are effective.
- Clarification of proposed NWP 14 pertaining to the paragraph on NWP 33.
  - Every NWP allows a limited amount of stream channel modification necessary to construct or protect the project. Modifications must be in the immediate vicinity of project.
- *At this time, the Corps is holding off issuing PCNs, but JD's are still being submitted.*

### Jurisdictional Decisions (JD)

- Need FOIA request to the Corps to receive a copy of any previous determination. *These need to be submitted to Cindy Lester. Technically, the Corps is not currently processing JDs.*

### In Lieu Fee Program

- Only the AGFD Powers Butte Wildlife Area along the Gila River is approved. *The LA District website, provided above, has a list of those Groups/Agencies that are approved. Currently, in Arizona, Powers Butte is approved. Tucson Audubon is also on the approved list.*

### Other Permit Tidbits

- Pygmy Owl Guidelines
  - No notification required if the only reason is due to these guidelines. *The Corps is acknowledging that this is not a listed species, and therefore, no notification is necessary if only the Pygmy Owl is involved.*

- Emergency Procedures (Regional General Permit 63)
  - An “emergency situation” is present where there is a clear, sudden, unexpected, and imminent threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services (i.e., a situation that could potentially result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken immediately).
  - Notify Corps for authorization as early as possible.
  - Once authorized the project must be initiated within 7 days otherwise not an emergency.
  - Post project report submitted within 45 days of completion.

Q: What if the situation is a potential emergency?

A: Notify the Corps and then there is a 7 day window in which to initiate the activity.

- 33 CFR Section 323.4 – Discharges not requiring permits
  - Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures. Maintenance does not include any modification that changes the character, scope, or size of the original fill design. Emergency reconstruction must occur within a reasonable period of time after damage occurs in order to qualify for this exemption.
  - If a potentially exempt maintenance project has the following conditions a Section 404 permit will be required.
    - Any discharge of dredged or fill material that contains any toxic pollutant listed under section 307 of the CWA such discharge shall be subject to any applicable toxic effluent standard or prohibition.
    - Any discharge of dredged or fill material in waters if it is part of an activity whose purpose is to convert an area of the waters of the United States into a use to which it was not previously subject.

*The preference of the Corps is to permit the activity. For exemptions, the Corps can be contacted in order to check.*

Section 404 submittals

*The EPG 404 Handbook can be found at: [http://www.azdot.gov/EEG common/documents/section 404.asp](http://www.azdot.gov/EEG/common/documents/section%20404.asp)*

- Request/Reminders
  - Include UTM or Latitude/Longitude coordinates in all submittals.
  - On Engineering form 4345 under Nature of Activity include a description of all features (vegetation, drainage, etc) not just roadway activity.
  - Include seed mix with submittal.
  - Corps labels should not cover area of survey.
  - Use transparent marker/color to designate the drainage plus what's underneath.
  - *Submittals can be duplexed where possible.*

*For the 404b1, the alternative analysis needs to discuss/include alternatives that take into account impacts to waters of the US. This is not in the EPG handbook but a part of the EA that is specific to the Corp's impacts.*

*When the project is under construction, notification of the start and finish is necessary. The Corps should be notified when the mitigation is starting so that the Corps knows when to expect reports and has the opportunity to do inspections. The current mitigation and monitoring reports should be using the 2004 guidelines.*

*Q: Who is doing the report now and who does it go through?*

*A: Todd Williams responded that this needs to be discussed internally at ADOT.*

*Kathleen also explained that if EPG or consultant staff are reviewing a JD and it is questionable to the reviewer, it will be questionable to the Corps staff as well. Therefore, stating why it is not jurisdictional is helpful.*

### Technical Team Updates

*Melissa Maiefski, Environmental Technical Section Manager was absent due to illness, so Tammy Flaitz introduced the technical teams*

Tammy explained that Melissa has been working with each of the technical teams to develop a 12-month vision plan for their area and that each team is also working to either update their existing procedures manuals or develop new ones. These will eventually be located on the EPG Internet site for consultant use. Tammy asked each team leader to introduce their team members.

#### Local Government/Transportation Enhancement Team

*Mary Frye, Team Leader*

Mary began by explaining that the Local Government/Transportation Enhancement (LG/TE) team is now part of the Environmental Planning Group, and introduced her team members:

- Adrian Rodriguez – NEPA Planner
- Raegan Ball – NEPA Planner

For any questions related to Local Government/Transportation Enhancement processes, consultants can contact Mary Frye (602) 712-7137 or Melissa Maiefski (520) 388-4250.

Mary then outlined several process improvement activities currently underway in the LG/TE Section, including close coordination with EPG technical disciplines, keeping current on changes/updates to laws and policies, and, continued contact with LG/TE PMs.

Mary also listed some of the LG/TE Coordination efforts in coordinating with Local Governments. She explained that early coordination is key to avoiding or resolving any issues with consultants working on local government projects. Some of the new processes recently implemented are:



E-mail list of LG contacts to keep them informed of changes in policies/personnel/anything that would impact their projects  
Informational meetings with LGs this spring to discuss environmental clearance process  
Implementing a Project Data Sheet for use on all LG/TE projects (including State TE projects) to provide for early coordination with technical team members, work load planning for timely review of documents, and tracking of when ADOT submittals and inform local governments early on of any potential issues

The LG/TE Section is also reviewing the Local Government CE Checklist to revise as appropriate, comparing with the state form to resolve differences as necessary. Mary added that the LG CE Checklist should be used for all LG and TE projects – including State TE projects (unless otherwise directed by the LG/TE Team Leader).

Common errors with documents (technical documents and the CE Checklist) submitted to the LG/TE staff were reviewed as follows:

- Wrong project/TRACS numbers
- Wrong project name
- No LG Sponsor signature
- Inconsistent language in the mitigation measures between the CE and CE memo
- TE projects are described incorrectly as 'recreation' projects
- Confusion between a Programmatic/Non-Programmatic CE
- Company logos placed on maps, technical documents, and environmental clearance documents
- Unclear project location/labels on maps

Historic Preservation Team

*Due to an illness in the family, Ruth Greenspan, Historic Preservation Specialist presented in place of Kae Neustadt, Team Leader*

Ruth began by thanking the consultants for their assistance and support over the past year when HPT was short staffed. She then identified the other HPT members as Dave Zimmerman and Cindy Dongoske, located in Flagstaff, and Maggie Bowler and Matt Mallery located in Phoenix.

Ruth then went on to describe some of the items underway from the 12-month vision plan that Tammy had mentioned in her introduction to the technical Team updates.

HPT Portal improvements are being spearheaded by Cindy. She is identifying areas for improvement, such as, being able to search by TRACS numbers. Ruth asked for input to either Cindy or any of the HPT staff regarding needed improvements. She also emphasized that operational glitches should be reported to HPT immediately.

Ruth described her work on updating the HPT Handbook, thanked the consultants for their input and said it is not too late if they have other suggestions to submit.

In the area of Tribal Coordination, over the next several months, HPT staff (Kae, Cindy, Dave, Matt, Maggie and Ruth) will be meeting with tribes to enhance communication, and they will be ensuring that consultation efforts cover areas of concern for all parties.

New Programmatic Agreements are being explored that would help to clarify and streamline consultation, with respect to particular types of resources, such as canals, bridges, historic roads, with respect to particular types of activities, (such as geotech, pavement preservation, disposals), and with respect to particular transportation corridors.

Ruth also noted that the Fraser Bridge Inventory is in the process of being fine tuned for release.

Ruth also provided several reminders to the attendees regarding technical reports:

- Send one copy of the report for review; once it has been approved, the HPT specialist can specify how many copies are needed

- HPT is still receiving reports with old cover page template with the word privileged misspelled. Please use new template, which is available on internet site.

- HPT still frequently receives maps that don't include some of the basics, such as:

- MP numbers
- Land jurisdiction
- Often the basemap used has lots of background noise that makes it nearly impossible to figure out the information that is trying to be conveyed
- UTM coordinates
- Legal description
- Any street, landform, feature, etc. that is used to describe a location (of project area, site, etc.) in the text should be included in the map

Please include complete TRACS numbers, not just the H number on the reports. Many reports need good copy edit, which should be complete prior to submittal to HPT. This includes checks of spelling, consistency, and use of boilerplate (can be tweaked if necessary to make it fit the particular project). And, for site descriptions and eligibility recommendations, there must be sufficient detail to justify the recommendation, (e.g., don't just say it lacks integrity and is therefore not eligible).

Ruth then went on to cover several other reminders. She explained the Report Review Checklist is meant for surveys and is not always relevant for other types of reports. HPT is working on developing a checklist for data recovery reports. For access to the Portal, send requests to Kae. Due to the limited available space in the EPG offices, for appointments contact EPG admin staff at 602-712-7767. And finally, for consultation contacts, we need to work together to keep name and address of tribal and agency contacts current.

Ruth then, on behalf of HPT, expressed appreciation for the consultants help and hard work and asked for continued input—suggestions, questions – in order to together provide the best service possible.

Hazmat

*Ed Green, Hazmat/GIS Team Leader*

Ed described the division of workflow in the Hazmat Team between himself and his teammate, Angie Roach, and pointed out the map in the notebook that shows the

geographic division within the State. Ed then described the new regulations for qualifications to conduct hazmat analyses. He highlighted the fact that if a consultant has no B.A. or B.S. degree but over ten years of experience, EPG staff will review and approve as appropriate. Ed then directed the attendees to the EDR website. Ed provided the following presentation, reviewing the first several slides, and providing the additional slides as supplemental information for review by attendees at a later date:

## **EPA's AAI RULE: What It Means for Your Phase I ESA Decisions**

*For presentation at:  
February On-Call Meeting  
28 Feb 07*



### **OVERVIEW**

- **Background and Key Facts on EPA's AAI Rule**
- **Pre-Purchase Environmental Due Diligence: What's Changing?**
- **Crafting Your AAI Response: Food for Thought**
- **Q&A**



## AAI RULE: BACKGROUND

- 2002 Small Business Liability Relief and Brownfields Revitalization Act set wheels in motion
- Provided property owners with three avenues of CERCLA liability protection:
  1. innocent landowner defense (traditional)
  2. contiguous property owner protection:
    - protects from off-site migration
  3. bona fide prospective purchaser:
    - 1<sup>st</sup>-ever protection for owner of site with known contamination at time of purchase



## AAI RULE: ROAD TO FINAL

- All three protections require conduct of AAI prior to purchase
- EPA's AAI rule establishes new protocol for Phase I's conducted for CERCLA liability protection:

*Code of Federal Regulations*

*40 CFR Part 312 on*

November, 2005

- Became effective November, 2006



## ASTM's Response to AAI

- ASTM's Phase I standard revised to maintain relevance in market
- E 1527-05 released November, 2005
- Satisfied EPA that it was "at least as stringent as AAI"
- NOW, property purchasers can follow AAI or E 1527-05 before taking title to qualify for CERCLA liability protection



## KEY FACTS ABOUT AAI RULE

- To qualify for any of the three CERCLA liability protections, 10 components of AAI must be satisfied, including “**inquiry by a qualified environmental professional**”
- Certain components must be conducted by a qualified EP, but the “user” (i.e., person seeking to qualify for liability protection) has responsibilities as well...



## KEY FACTS ABOUT AAI RULE (*cont'd*)

- To qualify for liability protection, you must rely on qualified “**environmental professionals**” who possess specific mixes of licenses, education and relevant experience.
- Rule follows traditional Phase I process, but with several significant changes.



## KEY FACTS ABOUT AAI RULE (*cont'd*)

- Factors other than CERCLA liability protection may drive need to follow AAI:
  - Lender requirements
  - Attorney recommendations
  - Phase I protocols for:
    - Federal agencies (e.g., SBA, HUD)
    - Wall Street rating agencies (Standard & Poors, Fitch, Moody's)



## Pre-Purchase Environmental Due Diligence: What's Changing?



### AAI PHASE Is: KEY AREAS OF CHANGE

1. **Higher professional qualifications for environmental consultants.**
2. **Emphasis on responsibilities of “user” (i.e., person seeking liability protection).**
3. **New levels of Phase I research for consultant.**
4. **Added scrutiny of any data gaps in inquiry.**
5. **New focus on owner’s post-purchase obligations over property ownership.**
6. **Shorter shelf life for Phase I reports.**



### 1. HIGHER QUALIFICATIONS

- First-ever qualifications for who can perform AAI-compliant Phase I's in terms of education, licensing and relevant experience
- Only **qualified environmental professionals** can develop opinions, sign off on AAI-compliant reports
- EPA recommends only qualified EPs visit site
- Leading to scrutiny on lists of pre-approved consultants by users of Phase I services



## 1. QUALIFICATIONS (cont'd)

Under AAI and ASTM standard, “user” must rely on qualified environmental professionals meeting one of the following:

Professional/Educational Qualifications	Relevant Experience
Professional engineer or geologist license/registration	3 years
Federal or state license/certification to perform environmental inquiries	3 years
B.A./B.S. degree or higher in any science or engineering degree	5 years
No B.A./B.S. degree	10 years



## 2. USER RESPONSIBILITIES

- Under AAI rule, greater onus on “user” to bring certain information to the table:
  - Search for environmental cleanup liens
  - Relationship of purchase price to fair market value of property, if not contaminated
  - Specialized knowledge or experience
  - “Commonly known or reasonably ascertainable” information about the property
  - Any obvious indicators of contamination at the property



## 2. “USER” RESPONSIBILITIES (cont'd)

- Failure of “user” to meet responsibilities could result in forfeiture of CERCLA protection.
- More consultant/client discussions on what is known about target property up front.
- New sections in Phase I reports to document user-provided information (or failure to report).



### 3. NEW RESEARCH REQUIREMENTS

- Environmental professionals have expanded requirements for “core” Phase I elements
  - a. Main AAI-driven additions to records search:
    - Tribal government records (now mandatory)
    - Local government records (now mandatory)
    - New emphasis on engineering controls, institutional controls (AULs)...



### RECORDS REVIEW: AULs

#### Engineering controls, institutional controls:

- Consultant must search for these records if property is located in a state that maintains a publicly available list or registry



### 3. RESEARCH REQUIREMENTS

*(cont'd)*

- b. Added interviews with:
  - Past owners, operators and occupants
  - Neighbors (only in certain cases involving abandoned properties)
- c. Site visit:
  - More emphasis on qualifications of “eyes and ears” walking the site
  - Greater obligation to observe conditions at adjoining properties





### 3. RESEARCH REQUIREMENTS (cont'd)

#### d. Historical research:

- Requirement to research property's history back to first use
- Emphasis on using thorough information, particularly any "commonly known" information from local sources
- Any gaps in property's history must be documented and scrutinized



### 4. SCRUTINY OF DATA GAPS

- AAI rule allows property owner to qualify for CERCLA liability protection even with gaps in the analysis (e.g., 20-year gap in property's history, inability to interview property owner, lack of user-provided data)
- BUT consultant's report must satisfy series of new requirements:
  - Identify **data gaps** and document attempts to fill them
  - Comment on their significance, whether gaps affect overall findings



### 5. POST-PURCHASE OBLIGATIONS

- AAI is the first, but not the only, step necessary to qualify for CERCLA liability protection.
- Over time, owner must:
  - Comply with any restrictions on site's use
  - Behave responsibly with regard to any contamination on-site
- These obligations have implications re: decisions to sample during the Phase I.



## 6. SHORTER PHASE I SHELF LIFE

- Clock starts on date of property acquisition
- Phase I must be current to within one year, with standard 180-day life for:
  - Interviews
  - Search for environmental cleanup liens
  - Review of government records
  - Site visit
  - Declaration/signature by EP



## AAI-COMPLIANT PHASE I REPORTS

- **Must include 3 components:**
  1. **Staff qualifications and declarations:**
    - Qualifications of EP(s) and person(s) who conducted site reconnaissance
    - Declaration that *"I/We developed and performed the AAI in conformance with the federal rule."*



## REPORT-DATA GAPS

2. **Documentation of any data gaps in the analysis:**

*"a lack of or inability to obtain information required by the standards and practices listed in the regulation despite good faith efforts by the EP or prospective landowner to gather such information."*
3. **Opinion:**
  - Whether inquiry has identified conditions indicative of releases or threatened releases of hazardous substances



## AAI: THE BOTTOM LINE

- Standard of care for Phase I ESAs changed under AAI and E 1527-05
- **Focus on using high-quality environmental professionals**
- More environmental investigation is necessary, more scrutiny on gaps in environmental investigations
- New opinions and declarations must be in every AAI-compliant Phase I
- More restrictions on Phase I shelf life



## Pros/Cons of AAI Scope

### Pros:

- Benefit of CERCLA liability protection
- May also extend to state liability protection
- Generally satisfies attorneys that current “standard of care” was followed

### Cons:

- Potentially longer turn-around time and higher cost for added research, documentation requirements
- Does not address non-CERCLA environmental risks (e.g., asbestos, lead-based paint)
- May not cover owner from other types of environmental liability beyond CERCLA



### *DEFINED SCOPES*

ADOT has determined that the level of effort required to satisfy the PISA requirement falls into one of three categories. The three categories, describing increasing levels-of-effort, are provided below. These categories are followed by a description of three “triggers”, or major conditions, that should be considered in choosing the classification. The three categories and three triggers are the same ones used on the SCAPEGOAT checklist.



#### **SCOPE 1 – Video Log Review Only (VLR)**

ADOT maintains a Video Log of every mile of State and Federal highway in the state of Arizona, updated annually. ADOT provides free access to this resource to all consultants, and also offers the video log for restricted sale for contractors to use on ADOT projects. The video log is a valuable tool for prescreening projects prior to scoping, and for performing virtual corridor tours for a variety of purposes. For the hazmat assessment purpose, the video log may be used to preview the project corridor for the location of potential hazardous materials sites and general characterization of land use. For many projects, the video log review alone is adequate to make a determination whether further hazardous materials assessment should be performed.



**EXAMPLE:** the video log reveals that the project is located on an isolated, undeveloped stretch of rural highway with no site development of any kind adjacent to the right of way. With review by an appropriately qualified hazardous materials specialist, general comments can be made as to the low probability of hazardous materials impacts in such a setting. If the project doesn't involve any of the triggers, this level of effort could be adequate for this type of project. The Scope 1 level of effort would be completed prior to the cost estimate submittal, and could constitute the hazmat review for the project.



#### **SCOPE 2 – Video Log Review + Environmental Records Search (VLR+)**

This scope includes the video log review described in Scope 1, plus ordering and review of an environmental records search, typically using a subcontracted database services provider such as EDR, Vista, or All Lands Title. If the Scope 1 review identifies areas of concern that the assessor believes would warrant a review of specific regulatory records, this step could be added. The addition of the records review provides data on hazardous materials sites that are known to exist and listed on state and federal databases. The Scope 2 level of effort would be included in the cost estimate for the project, and would be commenced upon Notice to Proceed from ADOT.



### **SCOPE 3 – Preliminary Initial Site Assessment (PISA)**

This is the scope of work that has commonly been expected for every project by ADOT in the past. It includes a records review, possibly a video log review, and a reconnaissance (field review) of the project site by a qualified assessor (trained in hazardous materials issues and approved by ADOT). This scope of work provides a snapshot-in-time of the physical conditions of a corridor, with the additional knowledge of known, listed sites. The assessor can look for physical signs of hazardous materials releases, field-verify site locations listed in the records search, and make judgments as to the likelihood of impacts affecting the project corridor based on distances, project scope, etc. This scope also provides the most up-to-date information, since the video log is only shot periodically for a given area. A summary of the findings of the PISA would be prepared in a brief report that would include the records review, photographs, figures including tabular information on sites of concern, and findings and recommendations of the assessor.



### ***SUMMARY***

This protocol for deciding level of effort is measured (provides incremental level-of-effort), portable (can be used by other consultants), and defensible (follows elements of the ASTM method, increasingly as you move closer to the full ISA). The checklist provided as Attachment A can be easily attached to ADOT's Project Data Sheet as justification for the level of effort. As more planners see the form and the justification logic, they will accept the format and the idea that there is a range of effort (and cost) for the hazmat assessment task. ADOT will benefit by all consultants moving toward this type of modular approach and provide hazmat assessments that are more appropriately scoped based on the specifics of a project.



Air/Noise Team

*Mike Dennis, Air/Noise Team Leader*

Mike introduced his fellow team members, Lisa Anderson and Fred Garcia. He began by expressing that overall the on call consultants are doing a good job. He then went on to present "housekeeping items", as follows:

Regarding technical reports, the number of hard copies to be submitted of a report will be determined case-by-case. Electronic copies of all final reports must be provided in Adobe PDF format. The Air/Noise Team will not require a final hard copy; the electronic copy will be saved in EPG's database under the Air or Noise tab. Electronic copies of modeling input and output files must accompany the electronic copy of the final air or noise report. The input and output files must be in the proper

format for the respective models; Adobe PDF format is not acceptable. This is a QA/QC requirement. The input and output files should be saved with the electronic version of the report on the same compact disk. Each final report and accompanying model files must be saved on a separate compact disk.

Also, Mike emphasized that project level air and noise activities conducted for EPG under the on-call contract must be approved before any work is performed. He re-emphasized a point brought up by Thor in his opening statement that EPG will no longer approve payment for any project level work completed before the "Notice to Proceed" letter is issued. A scope and cost estimate approved by EPG management is required to attain a "Notice to Proceed" letter.

Mike explained that the Air/Noise Team is currently updating the guidance for completing a technical noise study and for completing an air quality study.

He went on to discuss the latest regarding Mobile Source Air Toxics Analysis (MSAT). For Level 1 projects, there is no change to the current guidance. For Level 2 projects, if there is a modification to the approved language, the change must be tracked, FHWA must review and accept, and it could delay clearance of the environmental document. Some Level 3 text may be incorporated into Level 2 text to strengthen the MSAT language.

For Level 3, the team is awaiting review comments from FHWA on the MSAT Section in the South Mountain Freeway EIS. Once received, ADOT will resolve FHWA's comments and the approved revised MSAT Section will become a template for other Level 3 roadway projects.

## Biology

### *Justin White, Biology Team Leader*

Justin referred to the map contained in the hand out folder that presents the biology contact for each district. Lisa Andersen has joined the team. Lisa will be working on all new projects for the Phoenix district. (Update: Lisa has accepted a position as the Phoenix Maintenance District Environmental Coordinator). Darlene Dyer has Prescott and Globe Districts and is finishing up some Phoenix area projects as the transition occurs. Justin is responsible for biology in Kingman, Holbrook and Flagstaff Districts. Bill Knight is the regional biologist for Yuma and Safford, while Melissa Maiefski remains the point of contact for Tucson District for the time being.

Justin indicated that EPG has received approval for a full time biologist. This position will be filled as soon as possible so there may be some restructuring of the team and some of the biology processes in the near future.

Justin also indicated that biology guidance is to be updated soon. There are some out of date items, but most of it still remains usable. Consultants should check with the regional biologist if you have any questions.

The following guidance was provided to the attendees regarding using the Arizona Game and Fish Department's (AGFD) on-line tool: EPG is still seeing a lot of polygons

entered in on the on-line tool. Please make sure that when using the on-line tool, to identify projects using a point or a line. The system automatically adds a 3-mile buffer to projects. It is not necessary to draw a polygon. If you feel it is necessary to draw a polygon (for example, for a corridor project with multiple alignments in review) first check with the regional biologist. It may be a situation where EPG can send a letter to AGFD and ask for the list. Also, it is acceptable for larger projects to go ahead and send AGFD a letter asking for the list. Some consultants are trying to "fit" large projects in and have to back far away from the project, which results in an inaccurate project description.

Another note: please do not submit or coordinate with Federal agencies on ADOT's behalf unless you have first contacted the regional biologist. Always start with the regional biologist as they may have recently coordinated with an agency relating to your question for other projects in the area. Also, many agencies have requested that ADOT be the primary contact.

There will be some upcoming changes on coordination for habitat connectivity for development. Please watch for new guidance.

For all projects, keep in mind that projects with bridges/culverts should be noted for presence or absence of bats or swallows. EPG does not currently have guidance for approach on all projects yet, but if anything is found please coordinate with the regional biologist. Also, if nests or any evidence of bats are found, please take photos.

Justin then provided the following reminders:

Remember to scope AGFD/USFWS for all projects (local and ADOT).

Tom Gatz is no longer the USFWS contact for ADOT projects. It is now Debra Bills.

In the Task Order package Scope of Work (SOW), do not list the biology document submittal dates in the cover letter or SOW description since the dates are included in the Deliverable Dates schedule.

Words such as "negligible, discountable, etc." can be interpreted by the USFWS as a "may effect", so refrain from using these words when making a "no effect" determination.

When working on the Tonto National Forest, besides the Biological Review (BR)/Biological Evaluation (BE), another document might need to be used instead - the Small Project BE. Check first with the regional biologist (either Lisa or Darlene) in the PDS stage to determine the appropriate document to be developed.

Photos for inclusion in BRs are not necessary unless needed to verify the determinations being made. The same is true for field reviews for BRs. They may not be necessary if a biologist is familiar with an area; it is a totally urban environment, etc.

Please keep in mind survey season when a project is assigned. If you received Task Orders in the winter, do not wait until the following Fall to find out if surveys are needed in the spring or summer.

### CE Checklist Review

*Mark Hollowell, Planner III & Karen Whitlock, Planner II*

Mark and Karen explained that EPG recently gave direction to the on call consultants to draft all Categorical Exclusions and Environmental Determinations as Categorical Exclusion (CE) Checklists. Clearances already started were exempted from this request, but, for the most part, more CE Checklists than long-form CEs are now being received.

Those on-calls who have submitted CE Checklists to EPG have commented that while the change and the learning curve take some getting used to, everyone agrees that the process of getting CE Checklists approved with few errors is greatly improved. When the on-call planner follows the guidelines exactly as they are written, EPG generally has few changes—relative to the long-form CE. The EPG planner and technical team reviews and turnaround time have been much quicker with the CE Checklist.

The EPG Planner IIIs, Darlene Dyer, Justin White, and Mark Hollowell can now provide final clearance approval on CE Checklists. The checklists are scrutinized very carefully and the guidelines are used for guidance.

Mark and Karen then presented a list of the most common repeat errors, issues, and reasons for returns identified when reviewing CE Checklists for initial and for final approval:

#### Not Following the CE Checklist Guidelines to the “nth” degree

##### Elements on state and detailed project maps

- No scale
- Missing North pointer or pointer too small
- Readable legends, clean font, large enough to read
- All elements clearly reproducible as a copy
- All key elements clearly labeled on maps
- Balloons with descriptive titles on the map must not obscure roadway titles
- Details...the more the better to orient the reader...balancing not being too cluttered
- Place the maps in order as shown in the guidelines, not at the back of the clearance

Checking the haz-mat “Not Present” box if there is no PISA without considering whether there is asbestos, lead, or another known hazardous material present.

Not including details, such as height, length, and purpose of fencing, but rather only checking the “fencing present” box.

Not including the analysis sheet when a box is checked.



Including analysis sheet when a box is not checked.

Mark and Karen emphasized again the need to follow the guidelines, reading every line. They advised that if the consultants have questions about a specific guideline, take the following approach in the following order:

- Re-read the guidelines
- Discuss with your peers or management team or on-call project manager
- Refer to and read the full CE guidelines for guidance on the topic
- Then, contact your EPG planner by phone or email to discuss and work to resolve the issue

They reiterated that the CE Checklist has resulted in fewer comments from EPG, shorter review and turn around times by EPG planners, technical team members, EPG final reviews, and final approval.

Mark and Karen then went over the CE checklist page by page, describing revisions and asking for questions and comments. They explained that Wanda will notify the consultants when the changes presented and the suggestions received at this meeting will be posted to the EPG internet web page for "Guidance/Categorical Exclusions/Checklist Guidelines".

The results of the discussion are provided below, according to page number of the checklist (not the page number on the handout provided at the meeting). Questions received and answers provided are indicated by initials Q and A.

P. 1, 1-4 Under both the words prepared by and approved by, add xx:xx

Question: In 1-5, the maps are shown as attachments when in fact they are part of the document. Should they be taken out of the attachments list?

Answer: EPG staff will discuss and get back to the attendees with an answer.

P. 2 , 2-1 LUST stands for Leaking Underground Storage Tank, not Leaching as shown. PISA should be Preliminary Initial Site Assessment rather than Pre-Initial. Recognized Environmental Condition (REC) and Hazardous Materials Site Assessment (HMSA) should be added to the list of acronyms.

Q: on Page 1, the date of the version of the checklist is shown in the lower right hand corner. Should this be taken off?

A: Take it off.

P. 2 A comment was made that DB should be dB.

Q: If an item is present but not affected, is it okay to put no impact rather than give the dimensions?

A: EPG will check with FHWA.

Q: Should Guardrail be described from Milepost to Milepost?

A: Intermittent MP to MP can be listed for a long stretch of roadway so each change does not have to be detailed.

P.4 Checkboxes for funding type should be moved to the front of the funding type (federal or state).

A suggestion was made that federal and state and their respective checkboxes should be placed underneath the funding type instead. This will be taken under advisement.

Q: On 7-4, should an analysis sheet be included if there is none?

A: Yes, include the sheet for all.

EPG staff will discuss internally regarding what to do if there is no response from the Natural Resources Management Group regarding invasive species and provide direction to the consultants at a later date.

Q: If the project is state funded there is no 4(f) analysis, but a 4(f) property is in the area, should the Present or Not Present box be checked?

A: Section 4(f) Resources box should be filled in for federally funded projects only (refer to instruction 7-12).

Q: P. 8 If there are no land managing agencies with visual resource assessment requirements, what should be done?

A: Leave the template as is and skip it, or mark N.A.

Q: Pg 8, 8-7 The text contradicts the noise analysis sheets in some cases. It reads, "see attached analysis sheets".

A: The Air/Noise Team is addressing this issue. Revisions will be provided on the web page when available.

Mark and Karen advised the attendees to email or call in any other comments or inconsistencies they may find in the check list after the On Call Meeting so EPG staff can consider all input.

Q: If an agency was not scoped, should it be left in the table or deleted?

A: According to the instructions, it is left blank. Additional agencies or entities can be added to the matrix as necessary. When in doubt for any of the checklist, consult the instructions.

P. 20, 20-7 Mark informed the group that the information regarding farmland is no longer applicable. Dee will compose a follow up email to send out through Wanda to the on call consultants.

P. 22, 22-2 Change "affect" to "effect".

P. 24, 24-4 Change "no effect" to "no historic properties effected".

Ruth made a point to clarify the meaning of "in house" clearance terminology as it relates to cultural resources, reminding those in attendance that even though EPG staff may be conducting the environmental work with our own staff, there still often is the need for

cultural consultation. She stated that there should be specific language included when a state funded project is conducted and consultation was done.

P. 34, 34-1 Change “NESHAP permit required” to “NESHAP notification required”.

P. 35 A Qualitative Analysis checkbox needs to be added on the noise analysis page of the checklist.

Q: On p. 34, What is the difference between a PISA and the hazardous materials assessment?

A: the word “site” needs to be inserted between hazardous materials and assessment to clarify. This also needs to be changed on the corresponding instruction sheet.

Once all of the required revisions were addressed, a suggestion was made that the version of the revision be kept on the front of the document in order to identify which version is being used.

Mary Frye reminded the group that Local Government projects utilize a separate checklist at this time. However, the Team is working to consolidate the state and Local checklists. She also reminded everyone that uses the Local Government checklist to keep the entire list of acronyms rather than delete those not used in the document.

Q: Are the changes being made on the State checklist supposed to be made to the Local Government checklist too?

A: Not at this time.

### On Call Reminders

*Dee Bowling, Environmental Planning Section Manager*

Dee began by explaining that while the information she is going to present is specific to on-call consultants as an extension of EPG personnel, these reminders (other than those related to contracts) apply to EPG personnel doing projects in-house as well.

Dee then went on to offer the following notes and reminders:

- She emphasized that we all need to adopt a Can Do attitude. There are sometimes e-mails sent stating that schedules and dates probably cannot be met. This should be turned around to provide the steps necessary so that it can be met.

Dee offered the following as an example relating to this point: A planner states “I really don’t think we’ll get the permit application by January 30 because this or that hasn’t been done and I can only get the submittal done if the agency relaxes its policy on this and District agrees not to do that, and I’ll be out of the office for two days this week”.

She suggested the appropriate approach would be to state: “As we discussed in a phone conversation on January 5<sup>th</sup>, I can submit the permit application to you by January 30 if I receive the following information: I need a cross section by January 20, a cultural survey permit from the land managing agency by January

15, and direction on the survey for the owl by the 10<sup>th</sup>. If we receive these items we can have the surveys done by January 22 and the permit application for the Corps submitted to you by the 30<sup>th</sup>. The second e-mail provides information that is helpful – it gives the timeframes and what is needed to carry out the task at hand. It will show the receiver where contacts may need to be made in order to complete the task in a timely manner.

- Use the CE/ED checklist unless otherwise directed to use long form. Dee noted that FHWA has the transition to the checklist included in their staff performance planners, so we need to move to using them for all projects unless otherwise directed. For example, for the BIA, use of our long form CE might satisfy their requirements to complete an EA.
- Follow the guidelines. They are not perfect but would eliminate some comments and questions.
- When providing a reason for not holding a public meeting on a CE/ED, the reason should not be due to scope of work since a simple scope can still create controversy or issues. For example, if there is a paving project in Springerville in the summer (their tourist season) then a public meeting about the project would most likely be needed. Usually the correct reason to present is that a meeting wasn't needed because no outstanding issues were identified.
- The use of the word "include" implies something else is there but not mentioned. For instance, the scope of work includes..., or, views from the road include... Instead, use language such as "the scope of work is... or the scope of work consists of..."
- Parentheses are for non-essential information, which probably should appear infrequently in EPG documents.
- Quantifiers such as minor impact, minimal R/W, short delays are not generally required in most documents. However, this is not directed at EAs and EISs where conclusions of alternative impacts are drawn and comparisons are made, as Ken Davis explained in his presentation. While the requirements for EAs and EISes do trickle down to the CE, the CE does not require alternatives analysis, comparison and conclusion as are necessary in those documents.
- Be sensitive to sentences such as ...it's only a short delay (referring to traffic control), or ...it's only a minimal R/W take. It may not seem "short" to the person sitting in a line of traffic in a construction zone for 15 minutes or minimal if ADOT is taking a slice of R/W from their property. The people that are affected in this manner would most likely be the ones that would be interested in reading the CE/ED and may not perceive the impact to them as minor or minimal. Keep in mind the document is being written for the public.
- If the project is in the 100 year floodplain and plans have already been given to the floodplain administrator, the boilerplate mitigation is not needed and the text needs to be changed. Remember too that an area shown as not delineated on the floodplain and flood zone B or C or D are not all the same thing. The

floodplain administrator should not be called if it is shown as B,C,D, It just needs to be defined in the text. Also, remember that there are city floodplain maps separate from the county maps (one set is located in the EPG library and the other in the kitchen area).

- No company logos should appear on public involvement items – such as boards, maps or handouts - or in documents. Logos should be those of the involved agencies only, such as FHWA, ADOT or a sponsoring local jurisdiction.
- The appropriate number of copies of completed environmental documents (CE/ED) for distribution is to be provided by the on-calls. The EPG NEPA Planners need to make arrangements to comply with this requirement.
- EPG planners should be providing a hard copy of the document with review comments to the writer ASAP once the review is complete, and a copy is provided to the on-call contract PM. This copy is placed in the on-call plastic mail holder by the Ricoh copier in the EPG main office. Comments on the documents are to be professional. Remember, this is a part of the public record.
- Use state highway numbers and mileposts, not city street names for the project location and project element locations on ADOT projects. There may be instances when using street names in the text is appropriate for clarity, but include route numbers and MPs as well. ADOT manages the State highway system, not city street systems.

Kathleen Tucker made the comment that the same guidance holds true for submittals to the COE. Mileposts should be used rather than stations.

- Use the phrase “mitigation measures” in documents and project correspondence rather than the word “mitigations”. The regulations use the wording “mitigation measures”. Do not change or add to standard specifications as mitigation – if it is changed then it ceases to be a standard mitigation.
- Be specific and clear when writing mitigation. As Julio noted, contractors should not have to interpret what is written. Phrasing such as “the contractor/District shall provide businesses/public notification twenty-one days prior to construction” does not clearly state what the notification is for but could have been written instead to read “Fifteen days prior to the beginning of construction, the contractor shall notify businesses of the construction start date”. Also, don’t use the wording “The District will ensure that...”, because the District personnel (DEs and REs) have to ensure “everything” is done per the standard specs.
- On call consultants need to remember to provide a copy of the SURF update to the NEPA planner.
- Dee also asked that all attendees provide an educational service to the project team members and others by diplomatically reminding people that just because a project is state-funded it doesn’t mean that NEPA doesn’t apply. If there is a federal nexus then another agency’s NEPA requirements may apply.

- Keep the billing current. EPG should not be receiving bills months and years after the work has been completed.
- Do not conduct work that is not approved. For pre-authorization, the Planner needs to provide the EPG Management Team (Thor, Dee, Melissa and Tammy) with tasks and estimated hours of the request for review and approval.
- Follow up in a timely manner with task order amendments. EPG is getting too many amendments for work that is completed or has been ongoing for several months but hasn't been approved.
- Get ok in "writing" (fax, e-mail) to work on tasks not included in task order yet or to start work prior to task order approval. Examples of these types of tasks are attending a meeting prior to task order approval, conducting a technical survey prior to submitting an amendment.
- Everything related to the contract is submitted to Wanda and she then distributes it to the appropriate person. Change of key personnel requires a request for approval from EPG and actual approval from EPG must be received before the change can be made.
- EPG is currently working on the following internal process issues regarding task orders:
  - Working with ECS on task order format.
  - Discussing the scoping letter process re: who is doing the mailing?
  - What return address should be on the envelope?
  - Discussing what to do with geotech when it occurs before the PDS, and has its own "mini" clearance process.
  - Defining what efforts are part of Task Management.

Thor explained that EPG is working with Statewide Project Management, Valley Project Management and others within ADOT regarding a process to approve task order changes for projects being handled through consultants hired by other areas.

- When developing task orders, a conservative best estimate should be used because:
  - With lump sum task order, technically excess budget does not have to be given back.
  - Amendments are fairly simple compared to some other contracts within ADOT.
- For task order amendments discussion will take place within EPG to regarding:
  - Do these as each change occurs?
  - Wait until the total money is getting low? (May not need 404 permit after all so the 404 permit money is used for additional biology survey and it evens out in the end)
  - Wait and gather up several task changes before submitting to Wanda (rather than submitting one change at a time).

Q: Could you clarify what you said regarding scoping?

A: EPG staff is currently reviewing our scoping process in terms of the addresses, which letterhead is used. The issue is that EPG is supposed to use ITD letterhead, which shows the address for the Administration building, so sometimes responses to the letters are sent there. The return address and contact name are in the body of the letter. This can be shown in bold or otherwise highlighted while we consider what needs to be done in the future.

Dee further reminded the attendees that FHWA has requested an ADOT contact be shown on the letter.

Q: Who is responsible for getting plans to the floodplain administrator when this is necessary and how does EPG staff know that this has occurred?

A: It is the project PM's responsibility. EPG or the consultant staff needs to keep in contact with the PM to ensure that the information was sent.

Dee closed by thanking everyone for their efforts to successfully deliver the program, meet schedules, completing rush projects, and working together to support each other and ADOT.

Thor closed the meeting by thanking everyone for an excellent meeting and reminding all to complete and hand in their meeting evaluation forms.